

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALAN B. MARCUS, *Individually and on
Behalf of All Others Similarly Situated,*

Plaintiff,

v.

J.C. PENNEY COMPANY, INC., MYRON E.
ULLMAN, III, and KENNETH H. HANNAH,

Defendants.

Civil Action No.: 6-13-CV-736-KNM

ERHAN ERDEM, *Individually and on Behalf
of All Others Similarly Situated,*

Plaintiff,

v.

J.C. PENNEY COMPANY, INC., MYRON E.
ULLMAN, III, and KENNETH H. HANNAH,

Defendants.

Civil Action No.: 6-13-CV-750-KNM

SHAWN GILBERT, *Individually and on
Behalf of All Others Similarly Situated,*

Plaintiff,

v.

J.C. PENNEY COMPANY, INC., MYRON E.
ULLMAN, III, and KENNETH H. HANNAH,

Defendants.

Civil Action No.: 6-13-CV-810-KNM

**NOTICE OF PARTIES' JOINT POSITION WITH RESPECT TO THE ISSUES TO BE
ADDRESSED AT STATUS CONFERENCE PER DKT. NO. 46**

As directed by this Court's Order dated December 30, 2013, counsel for the parties conferred with respect to the agenda items listed in the Court's Order to be addressed at the status conference set for January 28, 2014 at 10:00 a.m. *See* Order, Case No. 6:13-736-KNM, Dkt. No. 46. Counsel representing each of the movants currently seeking appointment as lead plaintiff, Aletti Gestielle SGR S.P.A., Christos Ifantidies, National Shopmen Pension Fund, and J.C. Penney Investor Group [Webb], and counsel for the defendants participated in the conference. The undersigned parties now jointly submit this notice to advise the Court of agreements reached between the parties with respect to the issues to be discussed at the status conference.

The Court's Order indicates that at the status conference, it wishes to discuss the proposed consolidation of the three above-captioned securities class actions. All parties submit that consolidation of these three cases would be appropriate.

Subject to the Court's approval, the parties believe that the following schedule would be appropriate to facilitate the just, speedy, and inexpensive determination of this action, which is governed by the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4:

- (1) The lead plaintiff shall file a consolidated complaint sixty (60) days after the Court enters an order appointing the lead plaintiff;
- (2) Defendants shall answer or otherwise respond to the consolidated complaint sixty (60) days after the filing of the consolidated complaint;
- (3) If defendants file a motion in response to the consolidated complaint, the lead plaintiff shall have sixty (60) days from the filing of the motion to file its response to that motion; and

(4) If defendants file a motion in response to the consolidated complaint, defendants shall have thirty (30) days from the filing of the lead plaintiff's response to file their reply.

The parties respectfully request that the Court enter this proposed schedule at the status conference.

Dated: January 21, 2014

By: /s/ James A. Caputo

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on January 21, 2014.

/s/ Meryl L. Young

Meryl L. Young